

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JEREMY JONES,)	Case No.: 1: 21-cv-0809 JLT SAB (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDING AND
)	RECOMMENDATIONS TO GRANT
v.)	PLAINTIFF'S MOTION FOR VOLUNTARY
)	DISMISSAL, DISMISSING THE ACTION
AYON,)	WITHOUT PREJUDICE, AND DIRECTING THE
)	CLERK OF COURT TO CLOSE THIS CASE
Defendant.)	
)	(Docs. 66, 69)
)	

Jeremy Jones seeks to hold M. Ayon liable for retaliation pursuant to 42 U.S.C. § 1983. (*See* Docs. 17, 28.) Plaintiff requested a “voluntary withdrawal per F.R.C.P. 41(a)(1)(A).” (Doc. 66.) The magistrate judge found Rule 41(a)(2) governs the request for dismissal in this action, because Defendant previously filed an answer in the complaint. (Doc. 69 at 2.) The magistrate judge found dismissal was proper and Defendant would not be prejudiced from “raising other legal issues/defenses should the Plaintiff re-file his case at a later time.” (*Id.* at 4.) Therefore, the magistrate judge recommended Plaintiff’s request to voluntarily dismiss the action be granted and the action be dismissed without prejudice. (*Id.*)

The Court served the Findings and Recommendations on the parties and notified them that any objections were due within 14 days. (Doc. 69 at 5.) The Court also advised Plaintiff the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the

1 time to do so has passed.

2 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
3 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
4 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations issued on October 7, 2024 (Doc. 69) are
6 **ADOPTED**.
- 7 2. Plaintiff's motion to voluntarily dismiss this action is **GRANTED**.
- 8 3. This action is **DISMISSED** without prejudice.
- 9 4. The Clerk of Court is directed to terminate all pending motions and close this case.

10
11 IT IS SO ORDERED.

12 Dated: **October 30, 2024**


UNITED STATES DISTRICT JUDGE